

DOWNHAM MARKET TOWN COUNCIL

MARKET BYELAWS

Made by the Town Council of Downham Market in exercise of their powers under section 60 of the Food Act 1984 with respect to their Open Markets, General Retail Markets and Farmers' Markets.

Any Trader who contravenes any of these Rules and Regulations may be refused permission to pitch a stall in the Market.

Interpretation

1. In these Byelaws

Animal means any bull, ox, cow, heifer, calf, horse, ass, mule, ram, whether, ewe, lamb, goat, kid or swine, except where the context otherwise requires;

The Council means the Downham Market Town Council;

Goods means all provisions, commodities and articles brought into the Market for the purpose of Sale;

Market means any Market maintained by the Town Council;

Market Days means any Friday and Saturday and any other day so appointed for the holding of a Market;

Market Place means the place in Downham Market where the Market is held;

Market Officer means the persons duly appointed by the Council to exercise general management, supervision and control of the Market;

Market Hours means the period during which trading is permitted, namely between the hours of 0800 and 1700 during the months of May, June, July, August, September and October and between the hours of 0800 and 1600 during the months of November, December, January, February, March and April;

Sell and Sale includes exposing and exposure for sale;

Stall means any building, shop, office, standing bench, table, compartment, vehicle, trailer, place or space used or intended to be used for the sale of goods;

***Stallholder/
Regular Occupier*** means the Licensee or such person as may be authorised by the Council to be in charge of the stall;

Stall Space means the space on the Market from which the Licensee is permitted to trade as directed by the Market Officer;

Vehicle means any mechanically propelled vehicle (other than an invalid chair) and any cycle, tricycle, wagon or trailer.

Regulation of Traffic and Prevention of Obstructions

2. No person in charge of a vehicle shall allow it to be halted in any avenue, passage or roadway in the Market Place, or in the immediate approaches thereto, for longer than is reason necessary loading or unloading of goods.
3. No person shall bring into the Market Place or the immediate approaches thereto, or allow to stand therein, any Vehicle, Goods or receptacle for Goods or Animals in such a manner as to cause obstruction.

Provided that this byelaw shall not apply to any Vehicle being used for fire brigade, ambulance, police or refuse disposal purposes in pursuance of statutory powers or duties.
4. No person shall cause or permit any Vehicle to be driven in the Market Place otherwise than in a direction indicated by signs or road surface markings erected or laid by or on behalf of the Council for the purpose of indicating the direction to be taken by Vehicles in the Market Place.
5. No person driving or riding any Vehicle in the Market Place or in the immediate approaches thereto shall proceed at a greater speed than 10 miles an hour.
6. No occupier of a stall shall cause or permit Goods or any receptacle for Goods to be placed on any Stall so as to project beyond the limit of such Stall.
7. No occupier of a Stall shall display, stack or hang any Goods on or from any Stall at a height exceeding 3 metres.
8. No person shall intentionally obstruct, disturb or hinder any person in the proper use of the Market place, or the immediate approaches thereto, or of any fittings or other apparatus provided for use therein.
9. No person shall bring any Goods into the Market Place more than one hour before the Market opens or allow them to remain there more than one hour after the Market close.
10. Every person conveying goods to and from the market shall remove or have removed any refuse caused by him or her from any avenue, passage or roadway in the market or the immediate approaches thereto.
11. No person shall use any post, lamp-standard, tree, traffic or direction sign for the purpose of displaying or hanging any goods or notices.

Authority to use Space

12. No person shall occupy or take possession of any Stall or deposit or cause to be deposited any Goods (equipment or utensils) used on any stall unless and until such Stall has been duly let or otherwise allocated by the Market Officer for the use of such person.
13. No person shall erect or fix or attempt to erect or fix any Stall in the Market Place without the previous written consent of the Market Officer.
14. No person shall extend any Stall without the permission of the Market Officer.
15. No Person shall sell or offer for Sale only those Goods approved beforehand in writing by the Council.
16. Every occupier of a Stall must confine their Goods and equipment and conduct their business within the confines of their Stall.

17. If a regular occupier of a Stall is not in position by 0830 hours on a market day their space may be allocated to another trader.
18. The Market Place is authorised for Market trading on market days only and during market hours. No trader may occupy a stall other than between market hours on market days as designated by the council.
19. Regular Stallholders shall inform the Market Officer beforehand of their intention not to stand on any particular Market Day or when they intend to take holidays.
20. Any regular occupier of a Stall who is absent for 4 consecutive markets shall, at the discretion of the Council, forfeit their Trading Licence. This rule will not apply if the Council have been previously advised in writing of planned holidays or if absence is due to accident, illness or injury.
21. Any regular occupier of a Stall having an aggregate of 10 or more absences from the Market in any 12-month period shall, at the discretion of the Council forfeit their Trading Licence.
22. The business of the stall shall be conducted by the Licensee in person unless specific authorisation has been granted by the Council or Market Officer for a named person to deputise for the Licensee.
23. No regular occupier of a Stall shall assign, sub-let or otherwise dispose of his stall without the consent of the Council.
24. All Stalls must be positioned and facing the direction indicated on the market plan in possession of the Market Officer. The Council at any time in their absolute discretion may alter the layout of the Market.
25. In case of danger or emergency the market will be closed by the Market Officer whose decision shall be final. In the event of such action being taken no person or authority shall be liable for any loss sustained by any stallholder directly or indirectly.
26. In the event of any regular occupier of a Stall ceasing to hold a license in respect of any site on the Market by reason of breach of License or Market Byelaws he/she shall not be permitted to return to the Market either as a Licensed or Casual trader in any goods until a period of 5 years has elapsed from the time the License was terminated.

Nothing contained in these Market Rules and Regulations is to be taken to relieve or excuse any stallholder from any duty, responsibility, obligation or requirement under the Law of England for the time being in force. Nothing herein shall be deemed to create the relationship of landlord and tenant between the Council and the Stallholder.

Tolls and Charges

27. The Council's Tolls and Charges for the use of a pitch do not include provision for the fixing in position, removing and storing of any Stalls. These tasks shall be undertaken by the Stall occupiers at their own expense.
28. Charges shall be fixed from time to time by resolution of the Council and shall be payable in advance for 4 weeks or on demand on market day to the Market Officer.

For Maintaining Cleanliness

29. Every Stallholder shall cause the stall to be properly cleansed and tidied before and after market hours and as often as necessary during market hours.

30. Every Stallholder shall ensure that all refuse from the stall and all refuse from the loading or unloading of goods shall be stored safely and hygienically.
31. Stallholders shall, where applicable, comply with the current Food Hygiene (Market Stalls and Delivery Vehicles) Regulations.

Explosives

32. No Person shall, to the danger of any person, store or sell any gunpowder, fireworks or other explosive substance or any naphtha, bottled gas, petroleum, paraffin oil or other flammable substance in the Market Place.

Use of Water Taps

33. Every person who shall use any water tap in the Market Place shall cause the same to be properly turned off immediately he/she shall have finished using such tap.

Animals

34. No person shall bring into or allow to remain in the Market Place any dog (or other animal) belonging to him or in his/her charge unless it is attached to a lead and kept at all times under his/her control or is otherwise kept sufficiently secured and under his/her control.
35. No occupier of a Stall shall keep any dog or animal at his/her Stall provided that nothing in this byelaw shall prevent a blind person from bringing into the Market Place and keeping with him/her any guide dog belonging to him/her or in his/her charge.

For the Preservation of Order

36. No person shall light a fire in any part of the Market Place.
37. No person shall wilfully or negligently throw, drop or leave any litter or waste in or upon any part of the Market Place.
38. Stallholders shall maintain their stalls in a good state of repair and condition to the satisfaction of the Market Officer.
39. The Council disclaims all liability for any accidents caused by, or arising from, the disrepair, condition or construction of any stall.
40. All Stallholders shall hold a valid insurance policy for Public Liability for claims up to the minimum required by the Market Traders Federation (currently £2 million), and the Market Officer shall be at liberty to inspect such policy of insurance and the receipt for the current premium or evidence of fully paid-up membership of the Market Traders Federation.
41. No person, other than an officer or servant of the Council acting in the proper execution of his duty, shall post or display any bill, placard or poster, other than a description of goods, in or on any part of the Market Place.
42. No person shall, to the annoyance of any person, ring any bell or blow any horn or use any other noisy instrument or loudspeaker in the vicinity of the Market without prior permission.

43. Unless the written consent of the Market Officer be first obtained no person in the Market Place shall distribute to the public any leaflets, handbills, cards, pamphlets, booklets or other literature.
44. No person shall intentionally or improperly soil, defile, damage or destroy any part of the Market or any fittings or apparatus provided by the Council for use in the Market.

Complaints and Appeals

45. Any complaints regarding Market Trading, misdemeanours, or contravention of the Market Rules and Regulations should be notified to the Council through the Town Clerk or Market Officer.

A Stallholder has the Right of Appeal in writing against any decisions or action taken under these Market Rules and Regulations to Committee of the Council responsible for Market Administration.

In respect of this appeal, the Stallholder shall be given an opportunity to attend and present his/her case and to make written submissions if they so wish.

46. In the event of a Notice of the Intention to Terminate a License being served on a Licensee by the Council's Market Committee, the Licensee may, within 7 days, give notice of appeal in writing to the Committee who shall then convene to consider the appeal. If the Licensee is still not in agreement with the decision he/she may then, within 7 days of the meeting with the Market's Committee, serve notice on the Town Clerk of his/her desire to appeal against the decision of the Market's Committee and the Town Clerk shall convene a Special Meeting of the Full Council at the earliest possible date whereat the Full Council shall consider such further appeal.

Changes in Market Rules and Regulations

47. The Council reserves the right to amend, alter, omit from, add to, vary, replace, revoke or extend these Market Rules and Regulations at any time. Written notice of any such change in these Market Rules and Regulations will be given to each Licensed Trader.

Penalties

48. Any person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale.